

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:05CV211**

CHARLIE LEE RICHARDSON,)
Plaintiff,)

v.)

CHARLES J. WILLIAMS,)
Human Resource Director of Cabarrus)
County Schools,)
Defendant.)

ORDER

THIS MATTER IS BEFORE THE COURT on the Plaintiff's "Motion to Strike" (Document No. 10) and "Motion to Recuse Cabarrus County Schools Attorneys and Law Firm" ("Motion to Recuse") (Document No. 11), both filed on August 10, 2005; and the Defendant's Response thereto (Document 14), filed on August 25, 2005. The motions have been fully briefed, and are now ripe for the Court's disposition.

Fed. R. Civ. P. 12 (f) provides that upon timely motion, the Court "may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." In the Motion to Strike, Mr. Richardson asks the Court to strike eight of the eleven defenses asserted by the Defendant in his Answer (Document No. 7), filed on July 27, 2005. The Court has reviewed the defenses and Mr. Richardson's motion and finds no merit to Mr. Richardson's Motion to Strike. Mr. Richardson alleges that some of the defenses asserted by the Defendant are impertinent and irrelevant; however, other grounds asserted by Mr. Richardson have no legal basis. Mr. Richardson's motion consists of conclusory allegations unsupported by any facts or evidence

in the record. Therefore, the Court denies Mr. Richardson's Motion to Strike.

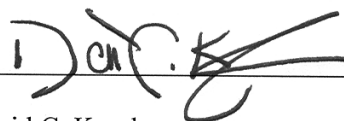
In the Motion to Recuse, Mr. Richardson asks the Court to enter an order disqualifying the Defendant's attorneys and law firm from representing the Defendant in this case. In support of his request, Mr. Richardson claims that the attorneys would likely be witnesses at a trial in a related case then pending in this district, *Charlie L. Richardson v. Harry E. Wilson*, case number 3:03-CV-491. However, United States District Judge Robert J. Conrad, Jr., entered an Order in case number 3:03-CV-491 on November 30, 2005, granting Mr. Wilson's motion for summary judgment, denying Mr. Richardson's motion for summary judgment, and dismissing Mr. Richardson's case. Additionally, Mr. Richardson makes several unsupported accusations regarding defense counsel's involvement in this and prior proceedings. The Court finds no basis for recusal at this time.

Accordingly, for the foregoing reasons and the reasons asserted by the Defendant in his response to Mr. Richardson's motions (Document 14), the Court denies Mr. Richardson's Motion to Strike and Motion to Recuse.

IT IS, THEREFORE, ORDERED that the "Motion to Strike" (Document No. 10) is hereby **DENIED**.

IT IS FURTHER ORDERED that the "Motion to Recuse" (Document No. 11) is **DENIED**.

Signed: March 31, 2006



David C. Keesler
United States Magistrate Judge

